

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 06035**, from P Public Use District to O-2 Suburban Office District, requested by the Director of the Parks & Recreation Department, on property generally located southwest of the intersection of 51st Street and Garland Street.

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Comprehensive Plan Amendment No. 06004 (06R-143).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/05/06
Administrative Action: 07/05/06

RECOMMENDATION: Approval (6-0: Carlson, Carroll, Esseks, Krieser, Larson and Sunderman voting 'yes'; Strand declaring a conflict of interest; Cornelius and Taylor absent).

FINDINGS:

1. This proposed change of zone request was heard before the Planning Commission in conjunction with the associated Comprehensive Plan Amendment No. 06004 to amend the *North 48th Street/University Place Plan*.
2. The purpose of this change of zone request on city-owned land adjacent to University Place Park from P to O-2 is to facilitate the location of a community service facility (Child Advocacy Center) and possibly other related public agencies.
3. The staff recommendation of approval is based upon the "*Analysis*" as set forth on p.3, concluding that the corner where the proposed service facility is to be located is underutilized as park space. It is also separated from the remaining area by distance, Dead Man's Run and Parks & Recreation Department maintenance facilities. Since the City will retain title to and lease the property, uses can be limited to those that are identified in the associated Comprehensive Plan Amendment.
4. The minutes of the public hearing before the Planning Commission are found on p.5-6. There was testimony in support on behalf of the Parks and Recreation Department, the County Sheriff and the Child Advocacy Center. The record also consists of letters in support from the University Place Community Organization and the University Place Business Association (p.12-13).
5. Testimony in opposition by Guy Farr is found on p.5-6.
7. On July 5, 2006, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval (Strand declaring a conflict of interest; Cornelius and Taylor absent).
8. The associated lease agreement between the City and the Child Advocacy Center is also being introduced on September 25, 2006, for Council consideration and action.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 18, 2006

REVIEWED BY: _____

DATE: September 18, 2006

REFERENCE NUMBER: FS\CC\2006\CZ.06035+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 5, 2006 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone #06035

PROPOSAL: Change the zoning on a portion of University Place Park from P Public to O-2 Suburban Office to facilitate the location of a community service facility.

LOCATION: 51st & Garland Streets

LAND AREA: 4.96 acres, more or less

CONCLUSION: This proposal would allow a community service facility to locate within a public park space, occupying an underutilized portion of the park. Since the city will retain title to and lease the property, uses can be limited to those that are identified in the associated comprehensive plan amendment.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1-5 and 8-12 and the vacated east/west alley adjacent thereto, Block 128, University Place, located in the Southeast 1/4 of Section 17-10-7, Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: University Place Park P Public

SURROUNDING LAND USE AND ZONING:

North:	Single- and multiple-family dwellings	R-2 and R-5 Residential
South:	University Place Park	R-2 Residential and P Public
East:	Single-family dwellings	R-2 Residential
West:	Vacant	B-3 Commercial

ASSOCIATED APPLICATIONS: Comprehensive Plan Amendment #06004

HISTORY:

Jun 2004 The North 48th Street/University Place Plan was adopted, and has been amended several times to show specific redevelopment plans.

Mar 1979 The 1979 zoning update changed the zoning from A-2 Single Family to P Public.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan Identifies this property as Public.
(F 25)

The **North 48th Street/University Place Plan** identifies this area as “Potential Residential Development,” and states the park area should be master-planned as neighborhood open space with increased connectivity to the surrounding area. (pgs. 72-73) The associated application is amending this plan to be consistent with this proposed project.

TRAFFIC ANALYSIS: Garland and 51st Streets are classified as local streets, both now and in the future. (F 49, 103) Garland Street is paved, while 51st Street is unpaved. The proposed site plan shows vehicle access from Garland Street only.

ALTERNATIVE USES: This property could be used for expanded park amenities, or for residential use. However, the Parks and Recreation Department does not have plans to improve this corner with park amenities, and many neighbors have expressed their preference for a low-intensity commercial use rather than residential units.

ANALYSIS:

1. This is a request to change the zoning on a portion of University Place Park from P to O-2 to facilitate the location of a community service facility and possibly related public agencies.
2. Placing a building at this corner would eliminate the views from neighboring properties across an open field to the park. However, this corner of the park is underutilized, being separated from the remaining area by distance, Dead Man’s Run, and Parks and Recreation Department maintenance facilities. The parking area as shown would be located predominantly interior to the site rather than along a street frontage.
3. An attached schematic master plan for University Place Park shows how the portion of the park along Garland Street west of this development will be improved over time with additional open space and park amenities.
4. A zoning change does not guarantee that a proposed project will be built. Therefore, if the zoning is changed, any used permitted in the O-2 district would be allowed on this property. However, since the city will retain title to the property, its use can be limited within a lease to only those consistent with the Comprehensive Plan and the North 48th Street/University Place Plan.
5. Representatives from the City departments involved and the Child Advocacy Center have met with neighborhood residents and kept them informed of progress on this proposal. As a result of recent discussions, the Applicant has reduced the area of their request; the published legal ad described an area larger than that contained in this report. The new boundary was chosen for two reasons; 1) it leaves area intended to remain part of University Place Park zoned P, and 2) through changes to the North 48th Street/University Place Plan, it leaves open the potential for the Child Advocacy Center to expand in the future.

CONDITIONS:

1. Prior to leasing this property for development, the allowable uses of the property shall be limited to those consistent with the Comprehensive Plan and the North 48th Street/University Place Plan.

Prepared by:
Greg Czaplewski
441-7620, gczaplewski@lincoln.ne.gov
Planner

Date: June 22, 2006

Applicant Lynn Johnson, Director
Owner Parks and Recreation Department
and 2740 "A" Street
Contact: Lincoln, NE 68502

**COMPREHENSIVE PLAN AMENDMENT NO. 06004
AND
CHANGE OF ZONE NO. 06035**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 5, 2006

Members present: Carlson, Carroll, Esseks, Krieser, Larson and Sunderman; Strand declaring a conflict of interest; Cornelius and Taylor absent.

Ex Parte Communications: None

Staff presentation: Greg Czaplewski of Planning staff stated that these two items come forward from Urban Development in connection with the Child Advocacy Center. There is the potential for some more public service facilities. If you read through the letter from Lynn Johnson, a much bigger area is reflected than is included in the staff report. After city staff talked with the applicant, they decided the change of zone should be limited to the area indicated on the map included with the staff report. The plan will show the area as potential office development. The Child Advocacy Center has some immediate needs; a portion will stay park land for the time being. An indication is given of an area where they intend to expand.

Proponents

1. **JJ Yost from Parks and Recreation** appeared. This property is not currently Parks land but is city-owned land. The Parks Department has been working on a master plan along with the University Place Community Organization. Dead Man's Run cuts diagonal through the park. The proposed center is on the north piece of the property. Some of the elements of the master plan are already in place. They believe they have a good plan. Some additional parking would be associated with the center immediately west of the center.
2. **Sheriff Terry Wagner** appeared. He wants the Commission to understand what this organization provides. It is a unique nonprofit agency. It receives both government and private funding. It provides a child friendly place to conduct investigations of child assault. Unfortunately, the number of children seen over the years has increased. They are currently in a building at Antelope Park. Seeing 40-50 children a week, they have outgrown their current space. This is not an overnight facility. He believes they have been a good neighbor to the Auld Recreation Center and the neighborhood association.
3. **Lynn Ayers**, Executive Director of the Child Advocacy Center, testified in support. She has met with the University Place Community Organization board and Parks officials. UPCO is strongly supportive of this project. She met with University Place Business Association and they voted to support this project. She visited personally with Mr. Butler to hear his concerns. He was strongly supportive of this project. Letters to the community were sent out for an UPCO board meeting where attendees could see the plan.

Opposition

1. **Guy Farr**, 5119 Colby, lives across the street from Mr. Butler. He understands that the Advocacy Center is greatly needed. But, this is one of the few parks in town that has shelters and established trees. On 48th St. alone, there are two businesses that sit vacant. There are vacant store fronts in University Place. He sees people daily using the park. It is one of the jewels of the city. To see that destroyed, he finds that hard to believe. A good portion of the neighbors who border the park have never been contacted. He does not see the point of tearing up park land when there are other spots available.

Staff Questions

Esseks questioned if this property is now part of the park. Czaplewski stated that this property is adjacent to the park, but not part of the park itself. It is city-owned and will continue to be city-owned.

COMPREHENSIVE PLAN AMENDMENT NO. 06004

ACTION BY PLANNING COMMISSION:

July 5, 2006

Carroll moved approval, seconded by Esseks and carried 6-0: Carlson, Carroll, Esseks, Krieser, Larson and Sunderman voting 'yes'; Strand declaring a conflict of interest; Cornelius and Taylor absent. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 06035

ACTION BY PLANNING COMMISSION:

July 5, 2006

Carroll moved approval, seconded by Esseks and carried 6-0: Carlson, Carroll, Esseks, Krieser, Larson and Sunderman voting 'yes'; Strand declaring a conflict of interest; Cornelius and Taylor absent. This is a recommendation to the City Council.



Change of Zone #06035 University Park Place 49th St. to 51st St.

2005 aerial

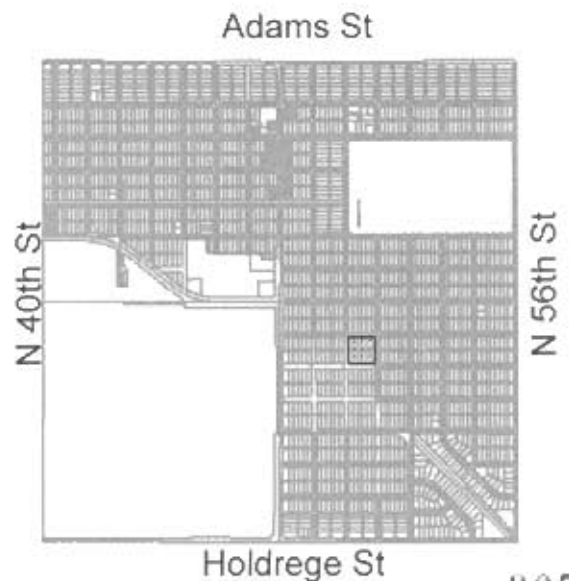
Zoning:

R-1 to R-5	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 17 T10N R7E

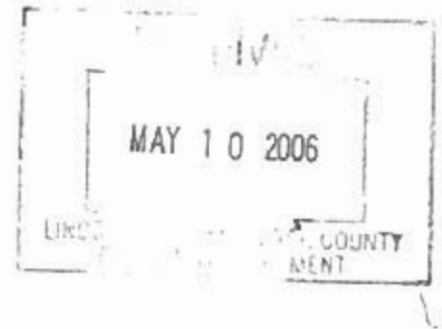


Zoning Jurisdiction Lines
City Limit Jurisdiction



Memorandum

May 10, 2006



TO: Marvin Krout, Planning

FR: Lynn Johnson, Parks and Recreation *Lynn Johnson*

RE: Change of Zone for Portion of University Place Park and Adjoining Public Property

Cc: Rick Hoppe, Mayor's Office
Wynn Hjermstad, Urban Development
Lynn Ayers, Child Advocacy Center

Please find accompanying an application for a change of zone for the northern portion of University Place Park and adjoining public property. The subject area is described as: Lots 1 through 12 and vacated alley of Block 129 (park), Vacated 49th Street between Garland Street and Colby Street (park), and Lots 1 through 12 and vacated alley of Block 128 (publicly owned property) of University Place Addition, in the southeast quarter of Section 17, Township 10, Range 7 East in Lancaster County, Nebraska.

The change of zone request is to revise the zoning for the subject property from P Public Use District to O-2 Suburban Office District. The purpose of the rezone request is to allow construction of an office facility and associated off-street parking for the Child Advocacy Center, and possibly related public agencies in the eastern portion of the subject area. The remaining area will continue to be public parkland. Please see the accompanying schematic site plan depicting the general location of proposed facilities for the Child Advocacy Center and park improvements and amenities. Pursuant to Section 27.26.020 of the Lincoln Municipal Code, office buildings and public parks are permitted uses within the O-2 Suburban Office District.

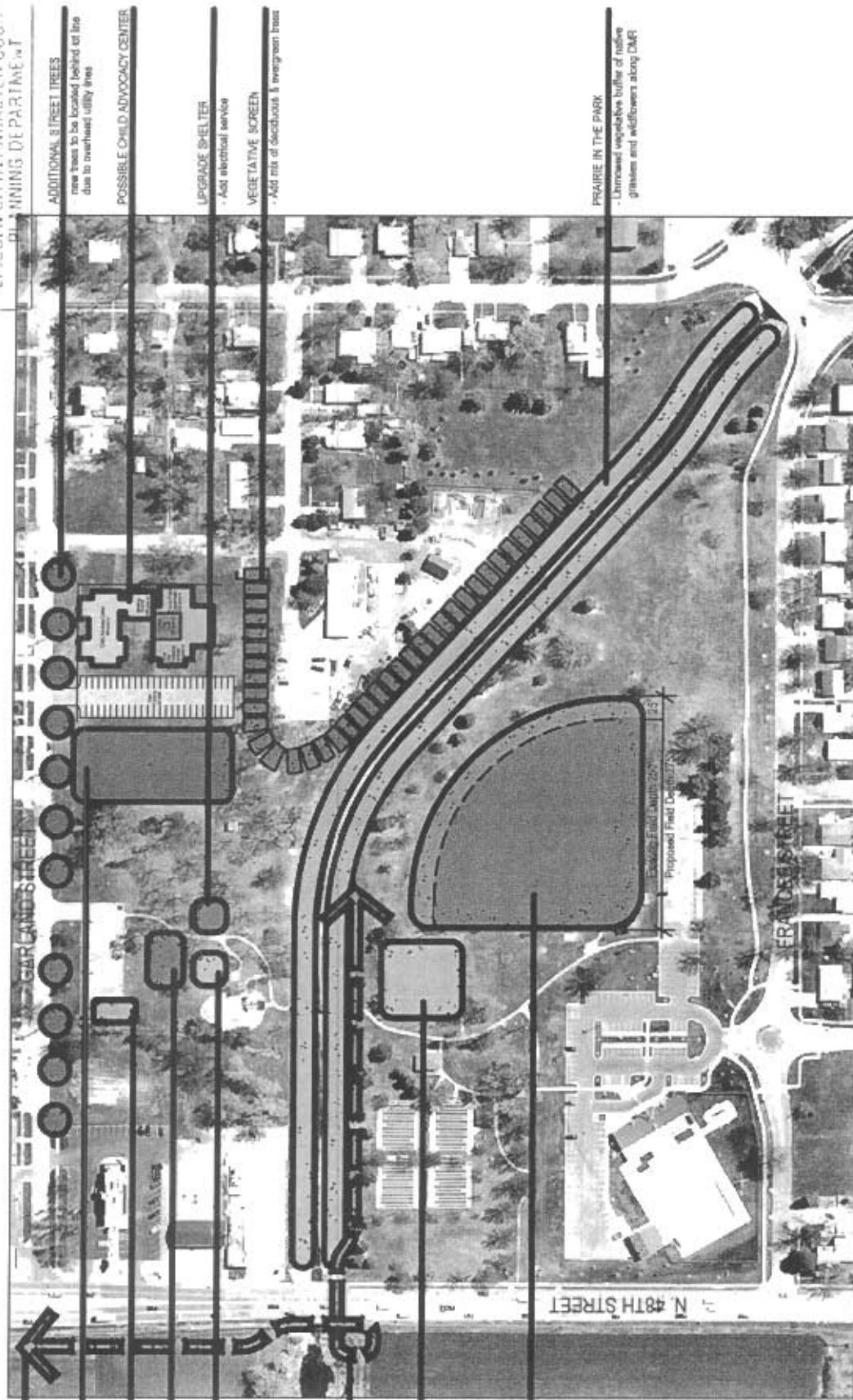
The proposed development of the Child Advocacy Center facility at the subject site has been reviewed and endorsed by the University Place Community Organization, the North 48th Street Business Association, and North 48th Street University Place Plan Implementation Team, and the Parks and Recreation Advisory Board.

Please phone me at 441-8265 with questions. Thank you for your assistance.



UNI PLACE PARK schematic master plan

Lincoln MAY 11 2006
PLANNING DEPARTMENT



- FUTURE TRAIL CONNECTION**
 - Connects to UNI
- ADDITIONAL PARK SPACE**
 - Open lawn area
- POSSIBLE RECYCLING CENTER**
- PLAYGROUND RELOCATION**
 - Renovation of play equipment
- PLAY COURT**
 - 40' x 50' concrete slab
- FUTURE TRAIL CROSSING**
 - Below grade crossing to park
- TENNIS COURTS**
 - Review condition of tennis courts and make determination regarding future use.
- BALLFIELD RENOVATION**
 - Expand outfield fence from 250' to 275'
 - Replace field lights
 - Replace bleachers
 - New dugout structures
- ADDITIONAL STREET TREES**
 - New trees to be located behind of line due to overhead utility lines
- POSSIBLE CHILD ADVOCACY CENTER**
- UPGRADE SHELTER**
 - Add electrical service
- VEGETATIVE SCREEN**
 - Add mix of deciduous & evergreen trees
- PRAIRIE IN THE PARK**
 - Unimproved vegetative buffer of native grasses and wildflowers along DMG

Scale 1" = 60'



Status of Review: Complete

Reviewed By 911

ANY

Comments:

Status of Review: Complete

Reviewed By Building & Safety

Terry Kathe

Comments:

Status of Review: Approved

05/23/2006 11:11:16 AM

Reviewed By Health Department

ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Greg Czaplewski DATE: May 23, 2006

DEPARTMENT: Planning FROM: Chris Schroeder

ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: University Place Park

EH Administration CZ #06035

The Lincoln-Lancaster County Health Department has reviewed the change of zone application and does not object to the approval of this application.

Status of Review: Approved

Reviewed By Parks & Recreation

ANY

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: **Complete**

Reviewed By **Planning Department**

RAY HILL

Comments:

Status of Review: **Active**

Reviewed By **Planning Department**

GREG CZAPLEWSKI

Comments:

Status of Review: **Complete**

05/22/2006 8:17:56 AM

Reviewed By **Public Works - Development Services**

SIETDQ

Comments: **Memorandum**

To: ☐ Greg Czaplewski, Planning Department
From: ☐ Dennis Bartels, Engineering Services
Subject: ☐ University Place Park for the Child Advocacy Center
Date: ☐ May 19, 2006
cc: ☐ Randy Hoskins
☐

Development Services has reviewed the proposed change of zone from P to O2 for a portion of University Place Park at 50th Street and Garland Street to be used to construct an office for the Child Advocacy Center and has the following comments:

1. ☐ The building design needs to account for existing utilities, especially sewer and water that exist in this vicinity. The buildings must be designed to provide sufficient easement space from the utilities. Some of the water mains in the park may be of a condition due to age that they should not be tapped.

2. ☐ We have no objection to the change of zone.

Status of Review: **Active**

Reviewed By **Public Works - Watershed Management**

ANY

Comments:

Status of Review: **Active**

Reviewed By **US Post Office**

ANY

Comments:



University Place Community Organization, Inc.

2723 North 50th Street
Lincoln, Nebraska 68504
(402) 466-1906

April 24, 2006

Child Advocacy Center
3200 Sumner Street
Lincoln, Nebraska 68502

To Whom It May Concern:

The University Place Community Organization Board is in support of the Child Advocacy Center constructing a new facility at 51st & Garland Streets, which is City land adjacent to University Place Park.


The Child Advocacy Center meets a growing need in the Lincoln community which is becoming harder to meet because of lack of space. A larger facility would eliminate that need.

The 51st & Garland location is conducive to such a center, and, architecturally the facility would blend in with the neighborhood.

The UPKO Board feels this is an opportunity for the University Place community to reach out and enable the Child Advocacy Center to maintain its goals.

Sincerely,

University Place Community Organization


Gail J. Anderson
President



UNIVERSITY PLACE
BUSINESS ASSOCIATION

March 24, 2006

To Whom It May Concern:

On February 22, 2006, at the regularly scheduled meeting of the UPBA, Ms. Lynn Ayers, the Executive Director of the Child Advocacy Center, 3200 Sumner Street, Lincoln, NE 68502, made a presentation in which she explained and described the plan to build a new Child Advocacy Center on the parcel of City land that is adjacent to University Place Park at North 50th Street and Garland Street.

After Ms. Ayers presentation, the UPBA discussed the proposed building and its uses, and upon a motion, second, and unanimous vote from the membership present, it was agreed that the project should receive our support and encouragement.

We believe that the proposed use of the property, and the proposed facility, will be a beneficial addition to the University Place neighborhood. In addition, we believe that the proposed facility will be an excellent facility to address the needs of the Child Advocacy Center.

It is our hope and desire that this project occurs, and we support and encourage the mission of the Child Advocacy Center.

Sincerely,

Brian Watkins
President 2005-2006

Steve Guittar
President 2006-2007